



227/045  
Patent

## DECLARATION Utility Patent

As a below-named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### ACCESS PLATFORM FOR INTERNAL MAMMARY DISSECTION

the specification of which was filed on July 30, 1997 as U.S. Patent Application Serial No. 08/903,516.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application(s) on which priority is claimed.

Application Number	Country	Date of Filing	Priority Claimed	
			Yes ✓	No ✓

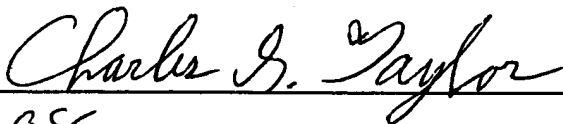
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number	Date of Filing	Status — Patented, Pending or Abandoned
08/604,161	02/20/96	Pending
08/619,903	03/20/96	Pending
08/787,748	01/27/97	Pending

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor Charles S. Taylor

Inventor's signature



Date

3-10-98

Country of Citizenship USA

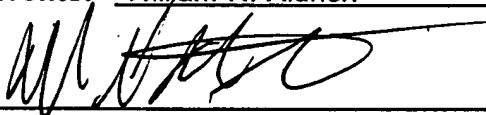
Residence San Francisco, California

Post Office Address 4380 26th Street

San Francisco, California 94131

Full name of second joint inventor William N. Aldrich

Inventor's signature



Date

2-4-98

Country of Citizenship USA

Residence Redwood City, California

Post Office Address 111 Lexington Avenue

Redwood City, California 94062

Full name of **third joint inventor** Federico J. Benetti, M.D.

Inventor's signature 

Date 3/9/98

Country of Citizenship Argentina

Residence Santa Fe, Argentina

Post Office Address Entre Rios 134-6 Piso

2000 Rosario - Santa Fe, Argentina

Full name of **fourth joint inventor** Richard S. Ginn

Inventor's signature 

Date 3-10-98

Country of Citizenship USA

Residence San Jose, California

Post Office Address 297 Marti Way

San Jose, California 95138

Full name of **fifth joint inventor** Dwight P. Morejohn

Inventor's signature 

Date 3-10-98

Country of Citizenship USA

Residence Davis, California

Post Office Address 731 North Campus Way

Davis, California 95616

Full name of sixth joint inventor Brent Regan

Inventor's signature See attached

Date \_\_\_\_\_

Country of Citizenship USA

Residence Davis, California

Post Office Address 26180 Road 97

Davis, California 95616

Full name of seventh joint inventor Eugene E. Reis

Inventor's signature E. E. Reis

Date 2-4-98

Country of Citizenship USA

Residence San Jose, California

Post Office Address 90 Rankin Avenue

San Jose, California 95110

Full name of eighth joint inventor Ivan Sepetka

Inventor's signature Ivan Sepetka

Date 2-4-98

Country of Citizenship USA

Residence Los Altos, California

Post Office Address 346 Costello Court

Los Altos, California 94024

Full name of sixth joint inventor Brent Regan

Inventor's signature

Date

2/3/98

Country of Citizenship USA

Residence Davis, California

Post Office Address 26180 Road 97

Davis, California 95616

Full name of seventh joint inventor Eugene E. Reis

Inventor's signature

Date

Country of Citizenship USA

Residence San Jose, California

Post Office Address 90 Rankin Avenue

San Jose, California 95110

Full name of eighth joint inventor Ivan Sepetka

Inventor's signature

Date

Country of Citizenship USA

Residence Los Altos, California

Post Office Address 346 Costello Court

Los Altos, California 94024

Full name of ninth joint inventor William F. Witt

Inventor's signature William F. Witt

Date 2-10-98 Country of Citizenship USA

Residence Palo Alto, California

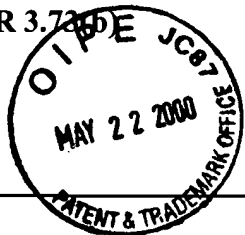
Post Office Address 3809 Carlson Circle

Palo Alto, California 94306

XX This Declaration ends with this page.

**STATEMENT UNDER**

**37 CFR 3.73(b)**



Attorney Docket Number	GUID-006CON6
First Named Inventor	Charles S. Taylor et al.
Application Number	09/480,828
Filing Date	January 10, 2000
Title	Access Platform for Internal Mammary...
Group Art Unit	3731
Examiner Name	Unassigned

CardioThoracic Systems, Inc., a corporation  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- ☒ 1. the assignee of the entire right, title, and interest; or  
☐ 2. an assignee of an undivided part interest

in the patent application identified above by virtue of either:

- ☒ A. An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 9084, Frame 0935, or for which a copy thereof is attached.

OR

- ☐ B. A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the Patent and Trademark Office at Reel \_\_, Frame \_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the Patent and Trademark Office at Reel \_\_, Frame \_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the Patent and Trademark Office at Reel \_\_, Frame \_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

May 3, 2000  
 Date

Ronald D. Devore  
 Signature

Ronald D. Devore  
 Typed or printed name

Assistant Secretary  
 Title



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JUNE 04, 1998

PTAS



\*100683171A\*

LYON & LYON LLP  
KENNETH S. ROBERTS  
633 WEST FIFTH STREET  
47TH FLOOR  
LOS ANGELES, CA 90071-2066

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/30/1998

REEL/FRAME: 9084/0935  
NUMBER OF PAGES: 14

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

TAYLOR, CHARLES S.

DOC DATE: 03/10/1998

ASSIGNOR:

ALDRICH, WILLIAM N.

DOC DATE: 02/04/1998

ASSIGNOR:

BENETTI, FEDERICO J.

DOC DATE: 03/10/1998

ASSIGNOR:

GINN, RICHARD S.

DOC DATE: 03/10/1998

ASSIGNOR:

MOREJOHN, DWIGHT P.

DOC DATE: 03/10/1998

ASSIGNOR:

REGAN, BRENT

DOC DATE: 03/02/1998

ASSIGNOR:

REIS, EUGENE E.

DOC DATE: 02/04/1998

RECEIVED  
JUN 11 1998  
U.S. PROSECUTION



ASSIGNOR:

SEPETKA, IVAN

DOC DATE: 02/04/1998

ASSIGNOR:

WITT, WILLIAM F.

DOC DATE: 02/10/1998

ASSIGNEE:

CARDIO THORACIC SYSTEMS, INC.  
10600 NORTH TANTAU AVENUE  
CUPERTINO, CALIFORNIA 95014-0739

SERIAL NUMBER: 08903516

FILING DATE: 07/30/1997

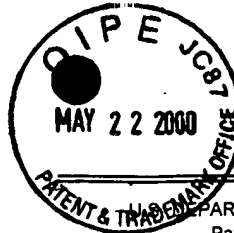
PATENT NUMBER:

ISSUE DATE:

TONYA LEE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



04-14-1998

FORM PTO-95  
1-31-92

100683171

DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Lyon &amp; Lyon LLP Docket No. 227/045

To the Assistant Commissioner for Patents. Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Charles S. Taylor  
William N. Aldrich  
Federico J. Benetti  
Richard S. Ginn  
Dwight P. MorejohnBrent Regan  
Eugene E. Reis  
Ivan Sepetka  
William F. WittAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 2. Name and address of receiving party(ies):

Name: CardioThoracic Systems, Inc.

Internal Address:

Street Address: 10600 North Tantau Avenue

City: Cupertino State: California ZIP 95014-0739

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ AssignmentExecution Dates: Taylor 03/10/98; Aldrich 02/04/98; Benetti 03/10/98;  
Ginn 03/10/98; Morejohn 03/10/98; Regan 03/02/98;  
Reis 02/04/98; Sepetka 02/04/98; Witt 02/10/98.

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No. : 08/903,516

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: LYON &amp; LYON LLP

Internal Address: Attn: Kenneth S. Roberts

Street Address: 633 West Fifth Street, 47th Floor

City: Los Angeles State: California ZIP 90071-2066

## 6. Total number of applications and patents involved: one

7. Total fee (37 CFR 3.41): \$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

## 8. Deposit Account Number:

12-2475

DO NOT USE THIS SPACE

## 9. Statement and signature

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Kenneth S. Roberts, Reg. No. 38,283

Name of Person Signing &amp; Reg. No.

Signature

March 25, 1998

Date

OMB No. 0651-0011 (exp. 4/94) Total number of pages including cover sheet, attachments, and document: 14

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Box Assignments  
Washington, D.C. 20231

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04/07/1998 RM/GAT  
06 FC:581

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## ASSIGNMENT

WHEREAS, we, **Charles S. Taylor**, a citizen of the United States residing at 4380 26th Street, San Francisco, California 94131; **William N. Aldrich**, a citizen of the United States residing at 111 Lexington Avenue, Redwood City, California 94062; **Federico J. Benetti**, a citizen of Argentina residing at Entre Rios, 134-6 Piso, 2000 Rosario - Santa Fe, Argentina; **Richard S. Ginn**, a citizen of the United States residing at 297 Marti Way, San Jose, California 95138; **Dwight P. Morejohn**, a citizen of the United States residing at 731 North Campus Way, Davis, California 95616; **Brent Regan**, a citizen of the United States residing at 26180 Road 97, Davis, California 95616; **Eugene E. Reis**, a citizen of the United States residing at 90 Rankin Avenue, San Jose, California 95110; **Ivan Sepetka**, a citizen of the United States residing at 346 Costello Court, Los Altos, California 94024; and **William F. Witt**, a citizen of the United States residing at 3809 Carlson Circle, Palo Alto, California 94306 (hereinafter referred to collectively as "ASSIGNORS"), have invented and own a certain invention entitled "**ACCESS PLATFORM FOR INTERNAL MAMMARY DISSECTION**," for which application for Letters Patent of the United States of America has been executed on July 30, 1997 as U.S. Application Serial No. 08/903,516; and

WHEREAS, **CARDIOTHORACIC SYSTEMS, INC.**, a corporation organized and existing under and by virtue of the laws of the State of California and having its principal

place of business at **10600 North Tantau Avenue, Cupertino, California 95014-0739** (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign, transfer and set over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto, to be obtained for said invention by said application or any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNORS hereby authorize and request the Assistant Commissioner for Patents to issue said Letters Patent and any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Assignment.

ASSIGNORS further covenant that ASSIGNEE will, upon request of ASSIGNEE, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or legal proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its designated legal representative any and all papers, instruments, declarations or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

WITNESS my hand at Cupertino, Cal, this 10<sup>th</sup>  
day of March, 1998.

Charles S. Taylor  
Charles S. Taylor

STATE OF CALIFORNIA )  
COUNTY OF S. Clara ) ss.

On this 10<sup>th</sup> day of March, 1998, before me, a Notary Public, personally appeared **Charles S. Taylor**, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

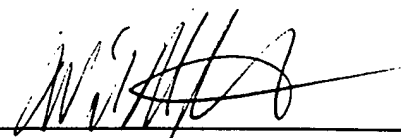
WITNESS my hand and official seal.

Karen Lee Titus  
Notary Public in and for  
said County and State

Seal



WITNESS my hand at Cupertino, CA, this 4<sup>th</sup>  
day of February, 1998.

  
\_\_\_\_\_  
William N. Aldrich

STATE OF CALIFORNIA )  
COUNTY OF S. Clara ) ss.

On this 4<sup>th</sup> day of Feb, 1998, before me, a Notary Public, personally appeared **William N. Aldrich**, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

  
\_\_\_\_\_

Notary Public in and for  
said County and State

Seal



WITNESS my hand at Cupertino, F Calif., this 19<sup>th</sup>  
day of March, 1998.

Federico J. Benetti

Federico J. Benetti

subscribing witness

Carol La Salle  
Carol La Salle

STATE OF CALIFORNIA )  
COUNTY OF Santa Clara )

ss.

On this 19<sup>th</sup> day of March, 1998, before me, a Notary Public, personally  
appeared **Federico J. Benetti**, known to me (or proved to me on the basis of  
satisfactory evidence) to be the person whose name is subscribed to the within  
instrument and acknowledged to me that he executed the same in his authorized  
capacity and that by his signature on the instrument the person, or the entity upon behalf  
of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Karen Lee Titus

Notary Public in and for  
said County and State

Seal





# SUBSCRIBING-WITNESS CERTIFICATE ("WITNESS JURAT")

No. 5908

State of California

County of Santa Clara

On this the 10<sup>th</sup> day of March 19 98, before me, the undersigned

Notary Public, personally appeared Carol La Salle

NAME OF SUBSCRIBING WITNESS

☒ personally known to me - **OR** - ☐ proved to me on the oath/affirmation of \_\_\_\_\_, who is personally known to me,

NAME OF PERSON (CREDIBLE WITNESS) WHO IDENTIFIES SUBSCRIBING WITNESS

to be the person whose name is subscribed to the within instrument as a witness thereto, who, being by me duly sworn, deposes and says that she (he/she) was present and saw

Federico J. Benetti, MD

NAME OF ABSENT PRINCIPAL SIGNER

the same person described in and whose name is subscribed to the within and annexed instrument as a party thereto, execute the same, and that said affiant subscribed his (his/her) name to the within instrument as a witness at the request of

Federico J. Benetti, MD

NAME OF PRINCIPAL SIGNER (AGAIN)

Karen Lee Titus

SIGNATURE OF NOTARY



## OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

### CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☒ INDIVIDUAL  
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED  
☐ GENERAL  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

ABSENT SIGNER (PRINCIPAL) IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

### DESCRIPTION OF ATTACHED DOCUMENT

Patent Application 227-445

TITLE OR TYPE OF DOCUMENT

Six

NUMBER OF PAGES

3-9-98

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

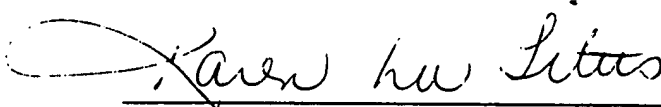
WITNESS my hand at Cupertino, Calif, this 10<sup>th</sup>  
day of March, 1998.

  
Richard S. Ginn

STATE OF CALIFORNIA       )  
                                      )  
COUNTY OF S. Clara       )       SS.

On this 10<sup>th</sup> day of March, 1998, before me, a Notary Public, personally appeared **Richard S. Ginn**, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

  
Notary Public in and for  
said County and State

Seal



WITNESS my hand at Cupertino, Cal, this 10<sup>th</sup>  
day of March, 1998.

Dwight P. Morejohn  
Dwight P. Morejohn

STATE OF CALIFORNIA )  
COUNTY OF S. Clara ) ss.

On this 10<sup>th</sup> day of March, 1998, before me, a Notary Public, personally appeared **Dwight P. Morejohn**, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Karen Lee Titus  
Notary Public in and for  
said County and State

Seal



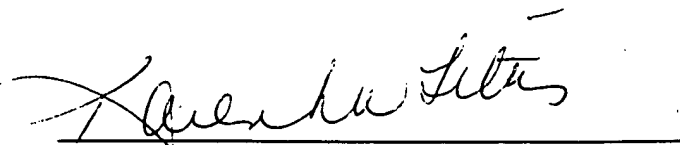
WITNESS my hand at Cupertino, Calif, this 2nd  
day of March, 1998.

  
Brent Regan

STATE OF CALIFORNIA       )  
COUNTY OF Santa Clara    )    SS:

On this 2nd day of March, 1998, before me, a Notary Public, personally appeared **Brent Regan**, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

  
Notary Public in and for  
said County and State

Seal



WITNESS my hand at Cupertino, Ca, this 4th  
day of February, 1998.

E E R  
Eugene E. Reis

STATE OF CALIFORNIA )  
COUNTY OF S. Clara ) ss.

On this 4th day of Feb., 1998, before me, a Notary Public, personally appeared **Eugene E. Reis**, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Karen Lee Titus  
Notary Public in and for  
said County and State

Seal




WITNESS my hand at Cupertino, Calif., this 4th  
day of February, 1998.

  
Ivan Sepetka

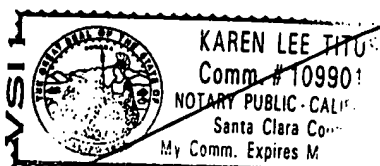
STATE OF CALIFORNIA       )  
                                      )  
COUNTY OF S. Clara       )       ss.

On this 4th day of Feb., 1998, before me, a Notary Public, personally  
appeared **Ivan Sepetka**, known to me (or proved to me on the basis of satisfactory  
evidence) to be the person whose name is subscribed to the within instrument and  
acknowledged to me that he executed the same in his authorized capacity and that by  
his signature on the instrument the person, or the entity upon behalf of which the person  
acted, executed the instrument.

WITNESS my hand and official seal.

  
Notary Public in and for  
said County and State

Seal



WITNESS my hand at Cupertino, Ca, this 10<sup>th</sup>  
day of February, 1998.

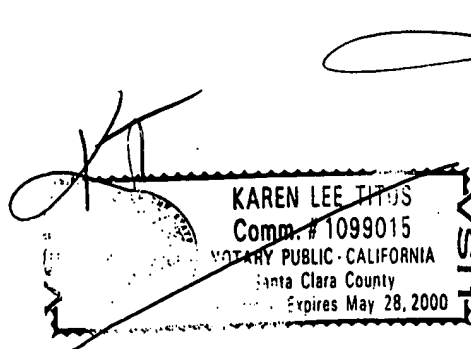
William F. Witt  
William F. Witt

STATE OF CALIFORNIA )  
COUNTY OF S. Clara ) ss.

On this 10<sup>th</sup> day of February, 1998, before me, a Notary Public, personally appeared **William F. Witt**, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Seal



Karen Lee Titus  
Notary Public in and for  
said County and State

